

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

ROSALIND DENISE HARRIS,

Plaintiff,

v.

DEPARTMENT OF THE ARMY

U.S. ARMY CLAIMS SERVICE,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No. 4:23-CV-452 RLW

**MEMORANDUM AND ORDER**

This matter is before the Court on a Motion to Substitute Defendant. (ECF No. 22). Defendant Department of the Army, U.S. Army Claims Service moves that United States of America be substituted as the defendant in this case. The motion is unopposed.


Plaintiff Rosalind Denise Harris is pursuing this case pro se, without the assistance of counsel. She filed her Complaint on a form complaint against Defendant Department of the Army, U.S. Army Claims Service and labeled her Complaint a qui tam action. After careful review of Complaint, the Court determined the case was not a qui tam action. As stated in its Memorandum and Order dated November 16, 2023, the Court construes Plaintiff's Complaint as a cause of action under the Federal Torts Claims Act, 28 U.S.C. §§ 1346(b), 2671 et seq. ("FTCA").

Defendant Department of the Army, U.S. Army Claims Service now moves for substitution and argues the United State of America is the proper defendant under the FTCA. The Court agrees. The FTCA provides that the proper defendant for an FTCA claim is the United States of America. 28 U.S.C. § 2679(a); Duncan v. Dep't of Labor, 313 F.3d 445, 447 (8th Cir. 2002) ("[A] federal agency cannot be sued under the Federal Tort Claims Act, the United States is the proper

defendant”); Bell v. Dep’t of Navy, Office of the Judge Advocate General, 2021 WL 1143852, at \*1 n.1 (E.D. Mo. Mar. 25, 2021) (“although Plaintiff named the Department of Navy as the Defendant, the proper party is the United States”). Therefore, the United States of America is substituted for the Department of the Army, U.S. Army Claims Service as the defendant in this case.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant Department of the Army, U.S. Army Claims Service’s Motion to Substitute Defendant is **GRANTED**. [ECF No. 22]. The United States of America is substituted for the Department of the Army, U.S. Army Claims Service as the defendant in this action, and the caption shall be amended accordingly.

  
**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**

Dated this 23rd day of January, 2024.